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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,906	01/05/2004	Peter Wilhelmus Henricus Rietjens	2007-1005	2003
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YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202				
EXAMINER TAWFIK, SAMEH				
ART UNIT PAPER NUMBER				
3721				
DATE MAILED: 10/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,906

Examiner

Sameh H. Tawfik

Applicant(s)

RIETJENS, PETER WILHELMUS
HENRICUS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27, 49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27, 49 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some * c) ☐ None of:

- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 01052004

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I (claims 1-27, 49, and 50) and cancellation of non-elected claims is acknowledged.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. For example "Device For Manufacturing Reclosable packaging".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21, 49, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In (claim 1, lines 10-14) "...transverse sealing jaws...front side of the machine.." is vague and indefinite because it is not clear how come the transverse sealing jaws are reciprocally moveable in a vertical plane perpendicular to the front side of the machine, note that on Fig. 1 of the application shows the movements of jaws 71a as shown by arrow C parallel to the front side of the machine; clarification is required;

In (claim 19, lines 10-14) "...comprises transverse... the front side of the machine" is confuse because it is not clear how the transverse sealing jaw will be moving vertically in perpendicular direction to the front side of the machine; etc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 8-16, 19-21, 49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (5,279,098).

Fukuda discloses form-fill-seal machine for macking bag- shaped packagings for products, such as edible products, from a web of material, the machine comprising a frame having a stock of web of material (Fig. 1; via 97) and supply of the web material (W) in flat condition, and a form-unit positioned at a front side of the machine (Fig. 12), wherein the form-fill unit comprises a form shoulder (Fig. 1; via 98) for transforming the flat web material into a tube (Fig. 12), as well as a form-fill tube connecting to the form shoulder (Figs. 1 and 12), having a vertical main plane of section, in which the machine furthermore comprises "transverse sealing jaws (Figs. 1 and 2; via 40) that are positioned below the lower end of tube for forming transverse seals (Figs. 1 and 12) in the tube and which are reciprocally moveable a vertical plane perpendicular to the front side of the machine" and the said vertical plane of section, the form shoulder being asymmetrically shaped for forming an overlap in the foil tube which extends to at least distance from or near the said vertical plane of section(Fig. 12), wherein the machine furthermore

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provided with first longitudinal sealing means (Fig. 1; via vertical seal heater belt 102) that are positioned at a first side, at one lateral side of the form tube, as considered from the front side of the machine, preferably at a short distance from or near the vertical plane of section for forming a first severable longitudinal seal at the location of the overlap (Figs. 1 and 12).

Fukuda does not disclose that the web is been used on the machine is made of foil material. However, the examiner takes an official notice that the mentioned use of web made of foil material is old, well known, and available in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Fukuda's web by using web made of foil material, as a matter of engineering design choice, in order to make stronger bags and capable of holding heavier items.

Regarding claim 6: the position of the first longitudinal sealing means is adjustable in direction towards/away from the fill tube (Fig. 12; via 205).

Regarding claim 8: the form-fill unit is detachably placed in the machine. Note it is inherent that the form-fill unit is detachably placed in the machine.

Regarding claim 9: wherein the form/fill tube at the first side at the lower end is provided with a first protrusion, situated in or near the vertical plane of section and extending downwards, and which in horizontal direction is free from the remainder of the lower end Form-fill-seal machine of the fill tube (Fig. 12; via 202).

Regarding claim 10: wherein the first protrusion is pen- or lip-shaped (Fig. 12).

Regarding claim 11: wherein the first protrusion with its end extends beyond the profile of the fill tube (Fig. 12).

Regarding claim 12: wherein the form/fill tube at its lower end is furthermore provided with at least a second protrusion, which at least situated at the second side and defines a recess with the first protrusion (Fig. 12; via 201).

Regarding claim 13: wherein the second protrusion forms a sharp guiding edge, substantially oriented towards the bottom (Fig. 12).

Regarding claim 14: wherein two second protrusions are present, which extend on either side of the vertical plane of section and preferably keep an area free between them, in which area a fold-maker is able to extend, wherein two second protrusions preferably are connected to each other by a plate, for instance a V-shaped plate, which is forming a cavity for the inwardly folded bottom area to be made (Fig. 12; via top opening).

Regarding claim 15: wherein the fill tube has a substantially rectangular cross-section, having the main sides substantially parallel to the vertical plane of section (Fig. 12).

Regarding claim 16: wherein the first side of the form and fill tube is bent having a flat surface between bent transitions to the main sides (via the hopper).

Regarding claim 21: wherein the first longitudinal sealing means are positioned at a short distance from or near the vertical plane of section (Fig. 12).

Regarding claims 49 and 50: the machine could be designed as a continuously or discontinuously operative machine (Figs. 1 and 12; via feeding continuous and/or capable of stopping the apparatus make it discontinuously operative machine).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721



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